

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jun 13, 2024**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BRYAN PAUL HERNANDEZ,

Plaintiff,

v.

CARRIE ASH MOTT, ROBERT  
HENRY, THE JOINT  
COMMISSION, and JOHN DOE,  
Defendants.

No. 2:24-CV-00073-SAB

**ORDER DISMISSING ACTION**

Before the Court is Plaintiff Bryan Paul Hernandez's First Amended Complaint. ECF No. 6. Plaintiff, a civil detainee currently housed at the Eastern State Hospital, is proceeding *pro se* and *in forma pauperis*. ECF No. 4. Defendants have not been served.

Plaintiff asserts that the jurisdictional basis for this action is "Diversity of Citizenship." *See* ECF No. 6 at 3. Federal district courts have original jurisdiction of civil actions in which there is diversity of citizenship and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a). Plaintiff requests \$10,000,000.00. Therefore, he has requested an amount of money damages that

1 exceeds the statutory amount.

2       However, Plaintiff has presented no facts from which the Court could infer  
3 that he and each of the identified Defendants are citizens of different states. He has  
4 failed to demonstrate complete diversity of citizenship between himself and all  
5 Defendants. Because Plaintiff and at least one Defendant are citizens of the same  
6 state, there is no diversity jurisdiction. *See Owen Equip. & Erection Co. v. Kroger*,  
7 437 U.S. 365, 373 (1978) (“diversity jurisdiction does not exist unless *each*  
8 defendant is a citizen of a different State from *each* plaintiff” (emphasis in  
9 original)).

10       It appears that this jurisdictional defect could not be cured by the voluntary  
11 dismissal of Carrie Ash Mott, Robert Henry and John Doe, as there is no basis for  
12 federal question jurisdiction over any claims against the Joint Commission. *See* 28  
13 U.S.C. § 1331.

14       Plaintiff states that “The Joint Commission” has an address in the State of  
15 Illinois; the Joint Commission “evaluated [his] concerns” on “several occasions”  
16 and sent him “a canned, response, stating that they added [his] concerns to their  
17 database but otherwise took no action”; and the rules of the Joint Commission “are  
18 arbitrary and ridiculous. An example of this is no soap bars. I fail to see how a bar  
19 of soap is dangerous. Another example is that we cannot have loose TVs on the  
20 ward. That means I cannot enjoy my Nintendo Switch on the big screen. Even  
21 prisoners get their own TVs!! Yet another example is no personal hygiene supplies  
22 in rooms. Again, I fail to see how a shampoo bottle is a dangerous object. Even  
23 prisoners get soap bars and shampoo bottles!” ECF No. 6 at 3, 5–6. These  
24 assertions do not support a claim that the Joint Commission deprived Plaintiff of  
25 his constitutionally protected rights. *See Youngberg v. Romero*, 457 U.S. 307, 323  
26 (1982).

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1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. The above-captioned case is **DISMISSED without prejudice** for lack  
3 of subject matter jurisdiction under 28 U.S.C. § 1332.

4 **IT IS SO ORDERED.** The Clerk of the Court is hereby directed to file this  
5 Order, provide copies to *pro se* Plaintiff and **close** the file.

6 **DATED** this 13th day of June 2024.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

13 Stanley A. Bastian  
14 Chief United States District Judge  
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